

**WAUKESHA COUNTY BOARD OF ADJUSTMENT  
SUMMARY OF MEETING**

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, March 9, 2011, at 6:30 p.m. in Room AC 255/259 of the Waukesha County Administration Center, 515 W. Moreland Blvd., Waukesha County, Wisconsin, 53188.

**BOARD MEMBERS PRESENT:** Robert Bartholomew  
Tom Day  
Nancy Bonniwell  
Rob Schuett  
Richard Bayer

**BOARD MEMBERS ABSENT:** Walter Schmidt

**SECRETARY TO THE BOARD:** Nancy M. Bonniwell

**OTHERS PRESENT:** Sheri Lieftring, Senior Land Use Specialist, staff representative  
Brent Hegwood, BA11:002, owner  
Jackie Craft, BA11:002, neighbor  
Pete Feichtmeier, BA11:007, builder  
Stuart Vogel, unknown  
Mary Jo Romportl, BA11:006, owner  
Thomas Romportl, BA11:006, owner  
Ron Marshall, BA11:008, owner  
Matt Heaton, BA11:008, architect  
Steve Sobesk, BA11:008, neighbor  
Marietta Marshall, BA11:008, owner  
Dean Achtenhagen, BA11:002, neighbor  
Andrea Schten, BA11:002, neighbor  
Dawn Esser, BA11:006, neighbor  
Kevin Esser, BA11:006, neighbor  
Pamela Meyer, BA11:002, neighbor  
Toni Hasslinger, BA11:006, neighbor  
Barb Hasslinger, BA11:006, neighbor  
Jeff Schmittinger, BA11:004, agent  
Susan Van Vleet, BA11:009, owner  
Bruce Hawkins, BA11:009, husband  
John Mann, BA11:002, neighbor  
Julie Mann, BA11:002, neighbor

The following is a record of the motions and decisions made by the Board of Adjustment. Detailed minutes of these proceedings are not produced, however, a taped record of the meeting is kept on file in the office of the Waukesha County Department of Parks & Land Use and a taped copy is available, at cost, upon request.

**SUMMARIES OF PREVIOUS MEETINGS:**

Mr. Day *I make a motion to approve the Summary of the Meeting of February 9, 2011.*

The motion was seconded by Mr. Schuett and carried 4-0. Mr. Bayer abstained as he was not present at the February 9, 2011 meeting.

**NEW BUSINESS:**

**BA11:006 THOMAS AND MARY JO ROMPORTL:**

Mr. Day *I make a motion to approve the variances from the open space and remodeling a non-conforming structure in excess of 50% of its fair market value requirements and denial of the variance from the floor area ratio requirements, in accordance with the Staff's recommendation, as stated in the Staff Report and for the reasons stated in the Staff Report.*

The motion was seconded by Mr. Schuett and carried unanimously.

The Planning & Zoning Division staff's recommendation was for approval of variances from the open space and remodeling a non-conforming structure in excess of 50% of its fair market value requirements and denial of the variance from the floor area ratio requirements of the Waukesha County Shoreland & Floodland Protection Ordinance, to permit the additions and interior remodeling, subject to the following conditions:

1. The proposed residence and attached garage shall comply with the floor area ratio requirements of the Ordinance. This will permit a structure approximately 2,205 sq. ft. in size. This includes the first and second floors (not including the basement level), any covered decks, covered patios, and/or covered porches, and the attached garage. It would also include any newly proposed detached buildings.
2. The attached garage must be a minimum of 400 sq. ft. in size, with overhangs not to exceed 2 ft.
3. The addition must be at least 10 ft. from the north lot line, as measured to the outer edges of the walls and any windows/bump outs that extend further out from the structure than the walls, with overhangs not to exceed two (2) ft. in width.
4. The proposed residence must not exceed three stories (including any exposed basement level), as viewed from the lake. The proposed residence and attached garage must conform to the height requirements of the Ordinance.

5. Prior to the issuance of a Zoning Permit for the proposed construction, a complete set of scaled plans for the additions as well as all proposed remodeling, in conformance with the above conditions, must be submitted to the Planning & Zoning Division staff for review and approval.
6. Prior to the issuance of a Zoning Permit, a new stake-out survey showing the location of the proposed addition, attached garage, as well as any proposed sidewalks, stairs, walkways, and/or retaining walls, in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning & Zoning Division staff for review and approval. This survey must also show the field-located location of the 100-year floodplain elevation on the property. The survey must also indicate the surveyed lot size.
7. In order to ensure the proposed construction does not result in adverse drainage onto adjacent properties, a detailed Grading and Drainage Plan, showing existing and proposed grades, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning & Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. The intent is that the property be graded according to the approved plan, and also to provide that the drainage remain on the property or drain to the lake, and not to the neighboring properties or the road. This grading plan may be combined with the Plat of Survey required in Condition No. 6.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The approval of this request, with the recommended conditions, will allow a reasonable use of the property that is not unnecessarily burdensome. The floor area ratio variance is not justified as the owners can make reasonable use of the property without this requested variance. It has not been demonstrated, as required for a variance, that denial of the requested floor area ratio variance would result in an unnecessary hardship. A hardship has been defined by the Wisconsin Supreme Court as a situation where compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. Strict adherence to the district regulations does not prevent a reasonable use of the property. This property can support 2,205 sq. ft. of living and storage space (not including the basement level) and this provides a reasonable use of the property. There are also no unique conditions existing on this property that prevent compliance with this provision of the Ordinance. However, the open space variance is reasonable and necessary as the property is only 14,700 sq. ft. in size, whereas the open space requirement is 15,000 sq. ft. The variance from the 50% provision is also reasonable as the structure is only slightly non-conforming; it is located 9.83 ft. from south lot line, whereas 10 ft. is required and 74 ft. from the shore and whereas 75 ft. is required. The partial approval, as conditioned, will also result in the removal of three non-

conforming structures from the property and will result in one substantially conforming structure. As recommended, a total floor area of approximately 2,205 sq. ft. (not including the basement square footage) provides a reasonable use of the property, is not unnecessarily burdensome, and will permit an attached garage and living space additions to the residence that will be appropriately sized for the lot, and not detrimental to the surrounding neighborhood or contrary to the public interest. Therefore, the approval of this request, with the recommended conditions, is in conformance with the purpose and intent of the Ordinance.

**BA11:009 SUSAN VAN VLEET:**

Mr. Day

*I make a motion to **approve** the request, in accordance with the Staff's recommendation, as stated in the Staff Report and for the reasons stated in the Staff Report, with the following changes to the conditions:*

*Condition Number 1 shall be amended to read: "The front porch shall be no larger than 30 sq. ft., with overhangs not to exceed 2 ft. in width."*

*Condition Number 2 shall be amended to read: "Please note that a variance is not required for the deck, as proposed. Therefore, the deck shall comply with all Ordinance and permitting requirements."*

*Condition Number 4 shall be amended to read: "If a deck is included in the construction plans, prior to the issuance of a Zoning Permit for the proposed construction, a Plat of Survey showing the staked-out location of the front porch and deck, in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning & Zoning Division staff."*

*A condition shall be added which reads: "The front porch shall be located a minimum of 39 ft. from the edge of the established road right-of-way, with overhangs not to exceed 2 ft. in width."*

The motion was seconded by Mr. Schuett and carried unanimously.

The Planning & Zoning Division staff's recommendation was for **approval** of variances from the road setback, floor area ratio, open space requirements, and remodeling a non-conforming structure in excess of 50% of its fair market value requirements of the Waukesha County Shoreland & Floodland Protection Ordinance, to permit the interior remodeling and construction of a covered front porch on the residence, subject to the following conditions:

1. The front porch shall be no larger than 6 ft. wide by 5 ft. deep (30 sq. ft.), with overhangs not to exceed 2 ft. in width.
2. The deck shall be located a minimum of 50 ft. from the shore and floodplain.
3. Prior to the issuance of a Zoning Permit for the proposed construction, a complete set of scaled plans for the front porch as well as all proposed remodeling, in conformance with the above conditions, must be submitted to the Planning & Zoning Division staff for review and approval.
4. Prior to the issuance of a Zoning Permit for the proposed construction, a Plat of Survey showing the staked-out location of the front porch and deck, in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

It would be unnecessarily burdensome to deny the front porch addition and the interior remodel. It is reasonable to allow the covered front porch to provide shelter at the front door. The front porch addition is very small and does not add appreciably to the size of the residence. And although a road setback variance is required, the front porch is still 38 ft. from the established ROW and approximately 50 ft. from the travelled road; therefore, it will have no impact on the road. Allowing the interior remodel is also reasonable as the structure meets all locational requirements of the Ordinance (the residence is considered non-conforming due to the floor area ratio and open space requirements) and the remodel will not change the footprint (except for the small front porch). Therefore, the approval of variances from the road setback, floor area ratio, open space, and the 50% requirements to permit the construction of a small covered front porch and interior remodel, with the recommended conditions, is in conformance with the purpose and intent of the Ordinance.

**BA11:002 STEVE HEGWOOD (OWNER) KATHRYN SAWYER-GUTENKUNST (AGENT):**

Ms. Bonniwell

*I make a motion to **approve** partial amendment of the conditions of the previous approval, **denial** of the argument that the deck and walkway were exempt from the Ordinance requirements and **denial** of the requested shore and floodplain setback variances for the deck and walkway in accordance with the Staff's recommendation, as stated in the Staff Report and for the reasons stated in the Staff Report, with the following changes:*

*Condition Number 5 shall be amended to read as the May 12, 2010 condition read: "The walkway and deck in question on the lakeside of the residence shall be brought into compliance with the Ordinance by June 1, 2011. This means the walkway and deck must either be*

*reduced to four (4) ft. in width in all locations or they must be removed or relocated to a conforming location on the property. The owner shall notify Planning & Zoning Division staff when this is accomplished so that a site inspection can be made to determine compliance with this condition. These deadlines may be extended by the Planning & Zoning Division Staff upon finding of just cause."*

The motion was seconded by Mr. Bayer and carried with 4 yes votes. Mr. Day recused himself from this case.

The Planning & Zoning Division staff's recommendation was for **approval** of partial amendment of the conditions of the previous approval, and **denial** of the requested shore and floodplain setback variances for the deck, subject to the following conditions:

1. Conditions 1, 2, and 3 of the BOA's May 12, 2010 approval remain in effect.
2. The roof must be removed from the garden gate structure by June 1, 2011. The owner shall notify Planning & Zoning Division staff when this is accomplished so that a site inspection can be made to determine compliance with this condition. These deadlines may be extended by the Planning & Zoning Division Staff upon finding of just cause.
3. The conversion of the shade structure to a play structure is approved subject to removal of the roof. The conversion and roof removal shall be done by June 1, 2011. The owner shall notify Planning & Zoning Division staff when this is accomplished so that a site inspection can be made to determine compliance with this condition. These deadlines may be extended by the Planning & Zoning Division Staff upon finding of just cause.
4. The brick fireplace can remain in its current location.
5. The walkway in question on the lakeside of the residence can remain in its current location and configuration; however, the deck on the lakeside of the property shall be brought into compliance with the Ordinance by June 1, 2011. This means the deck must either be reduced to four (4) ft. in width or it must be removed or it must be relocated to a conforming location on the property. The owner shall notify Planning & Zoning Division staff when this is accomplished so that a site inspection can be made to determine compliance with this condition. These deadlines may be extended by the Planning & Zoning Division Staff upon finding of just cause.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The property owner had previously agreed to voluntarily remove the brick fireplace, the roofed garden gate, and the shade structure. Pursuant to this, the Board of Adjustment granted an after-the-fact variance from the offset requirements and variances from the lot size and lot width requirements of the Ordinance to allow the patio to remain as is, with the condition that all above structures be removed, as was proposed by the petitioner as part of

his variance request. However, since it has been determined that the gate structure is only subject to the offset requirement if it provides shelter, removal of the roof renders it a conforming structure. Play structures are generally not regulated by the Shoreland & Flood land Protection Ordinance; therefore conversion of the shade structure to a play structure renders it a non-regulated structure. However, staff feels it's also important to ensure the roof is removed as part of the conversion given that the patio that the structure sits on does not meet the offset requirements, and this structure was not part of the BOA's approval of the offset variance for the patio.

The property owner had also previously agreed to voluntarily bring the deck and walkway on the lakeside of the residence into compliance with the Ordinance as part of their previous variance request. The BOA then required this action as a condition of approving the requested after-the-fact variances for the patio. Therefore, the 10-Year Rule is inconsequential in this case. The deck and walkway were not required to be brought into compliance due to the 10-Year Rule as part of enforcement action by the zoning department, but rather as a condition of approval of other variances. In actuality, the Board simply approved the petitioner's proposal. If the BOA determines that a variance is necessary for the deck to remain, staff feels the variance should be denied. It has not been demonstrated, as required for a variance, that denial of the requested variance would result in an unnecessary hardship. A hardship has been defined by the Wisconsin Supreme Court as a situation where compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. Strict adherence to the district regulations does not prevent a reasonable use of the property. It is not necessary to have deck that does not meet the shore and floodplain setback requirements in order to have a reasonable use of this property. Case law has repeatedly held that petitioners are not entitled to the "highest and best use" of a property, but only reasonable use. There are no unique conditions existing on this property that prevent compliance with Ordinance. This is a large lot by lake property standards and there is plenty of room in which to build a deck in a conforming location. Further, staff does not agree with the assertion that the deck is necessary for erosion control. This request does not meet any of the legal standards for the granting of a variance and therefore, the approval of this request is not in conformance with the purpose and intent of the Ordinance. However, the partial approval of this request to amend the a previous condition of approval, as conditioned, would not be detrimental to the public interest or welfare and therefore would be within the purpose and intent of the Ordinance.

**BA11:004 WALES/GENESEE LION'S CLUB (OWNER) JEFF SCHMITTINGER (AGENT):**

Mr. Day

*I make a motion to approve the request, in accordance with the Staff's recommendation, as stated in the Staff Report and for the reasons stated in the Staff Report.*

The motion was seconded by Mr. Schuett and carried 4-1. Ms. Bonniwell voted against the motion.

The Planning & Zoning Division staff's recommendation was for **approval** of the requested after-the-fact variances from the sign size and road setback requirements of the Ordinance for the sign, subject to the following conditions:

1. Subject to the applicant receiving Plan of Operation permit approval from the Town of Genesee and Waukesha County. All conditions therein shall be adhered to as an integral part of this approval.
2. A Zoning Permit for the sign shall be obtained.
3. The free-standing marquee sign and pre-existing Lions Club sign shall be permanently removed from the property prior to Monday, May 2, 2011.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

This property is located in the downtown area of Genesee/Wales, which is made up of predominantly commercial uses. The approval of this request as recommended will allow the petitioners to retain the existing signage while not infringing on surrounding properties or uses. It will also not impact the public's safe use of the road. A sign is necessary for the Lions Club property and it is not possible to locate a usable sign within the Ordinance requirements due to the location of the building on the property. The sign is only slightly larger than the district permits and requiring the sign to be removed/modified would be unnecessarily burdensome. The sign is also well within the height restrictions outlined in the Ordinance. In addition, the conditional approval of the request will result in the permanent removal of two other non-conforming signs from the property. The approval of this request as recommended will allow the petitioners to retain the replacement sign, which is safely visible from the roadway, while not infringing on surrounding properties or uses. Therefore, approval of this request, as conditioned, would be in conformance with the purpose and intent of the Ordinance.

**BA11:007 PEWAUKEE YACHT CLUB (OWNER) COLBY CONSTRUCTION (AGENT):**

Mr. Day

*I make a motion to **approve** the request, in accordance with the Staff's recommendation, as stated in the Staff Report and for the reasons stated in the Staff Report, with the additional reason that the roof area and other upgrades to the grill area are reasonable in order to address the health and safety concerns that have been the subject of previous health inspections.*

The motion was seconded by Ms. Bonniwell and carried unanimously.

The Planning & Zoning Division staff's recommendation was for **approval** of the request variances from the road setback and 50% requirements of the Ordinance to allow the petitioner to replace and enlarge the existing covered grill area on the road side of the Pewaukee Yacht Club clubhouse,



subject to the following conditions:

1. The proposed covered grill area shall be constructed in substantial compliance with the plan submitted dated February 11, 2011.
2. Prior to the issuance of a Zoning Permit for the enlarged covered grill area, a Site Plan/Plan of Operation Permit shall be reviewed and approved by the Town of Delafield Plan Commission and Waukesha County. This permit has not yet been applied for by the applicant.
3. If any changes to the existing grade are proposed, a detailed Grading and Drainage Plan, showing existing and proposed grades and any proposed retaining walls, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. This is to ensure the construction of the proposed patio does not result in adverse drainage onto adjacent properties. The intent is that the property be graded according to the approved plan, and also to provide that the drainage remain on the property or drain to the lake, and not to the neighboring properties or the road. This Grading Plan may be combined with the Plat of Survey required in Condition No. 2.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The approval of this request will allow the roof over the grill area to be replaced and slightly enlarged. It should be noted that expanded portion of the grill area will be towards the east, not towards the road; therefore, it will not be any closer to the road than the existing covered grill area. In addition, the area is screened from the road by a fence. Since the roof will cover an area of existing asphalt, has no additional impact on the travelled road, and is screened by a fence, it is reasonable to grant the necessary variances to authorize the proposed construction. The property is located in the middle of a commercial area and the replacement and enlargement of the covered outdoor grill area will not have an adverse impact on the general public. Therefore, the approval of this request, with the recommended conditions is in conformance with the purpose and intent of the Ordinance.

**BA11:008 RONALD AND MARIETTA MARSHALL:**

Mr. Day

*I make a motion to **deny** the request for variances from the floor area ratio and offset requirements and **approve** the requested variance from the remodeling a nonconforming structure in excess of 50% of its fair market value requirements of the Ordinance with the following conditions and for the following reasons:*

**CONDITIONS:**

1. *The intent of this approval is to allow additions to and remodeling of the residence located at W347 N6119 Road I in order to salvage the structure. If the owner proposes a substantially different project, such as a tear down to the foundation, the owner must reapply to the Board of Adjustment for review of the remodeling a nonconforming structure in excess of 50% of its fair market value requirements and any other variances that may be required.*
2. *Prior to the issuance of a Zoning Permit for the construction of the additions to the residence, a Certified Survey Map combining existing tax key numbers OCOT 0530.112 and OCOT 0530.113, must be approved by the Town of Oconomowoc and the Waukesha County Planning & Zoning Division staff, and recorded in the Waukesha County Register of Deed's office.*
3. *Prior to recordation of the Certified Survey Map and issuance of a zoning permit, the detached garage located at W347 N6119 Road I and all existing structures located on W347 N6123 Road I must be removed. The owner shall notify Planning & Zoning Division staff when this is accomplished so that a site inspection can be made to determine compliance with this condition.*
4. *All other Ordinance and permitting requirements must be met.*

**REASONS:**

*The property is conforming to lot size and therefore there is no justifiable reason why the floor area ratio requirement cannot be met. In addition, the required offset is 9.3 ft. and the owners have designed the house at 8.6 ft from the east lot line. Again, there is no justifiable reason why this requirement cannot be met. It has not been demonstrated, as required for a variance, that denial of the requested variances would result in an unnecessary hardship. A hardship has been defined by the Wisconsin Supreme Court as a situation where compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. Strict adherence to the district regulations does not prevent a reasonable use of the property. It is*

*not necessary to have 3,815 sq. ft. of living and storage space (6,194 sq. ft. with the basement) and a house located only 8.6 ft. from the lot line in order to have a reasonable use of any property. Case law has repeatedly held that petitioners are not entitled to the “highest and best use” of a property, but only reasonable use. The owners could have approximately 3,300 sq. ft. of living and storage space (not including any basement area) on this property without a variance. There are no unique conditions existing on this property that prevent compliance with Ordinance. Variances should only be granted to accommodate physical limitations on a property that prevent a reasonable use of the property; not to accommodate the personal preferences or needs of the current property owner. It is also necessary to consider the cumulative impacts of granting similar requests. With this in mind, allowing a structure as large as requested would be detrimental to the surrounding properties, the neighborhood, and to the natural resources in the area due to the increased footprint, bulk, impervious surface, and land disturbance a structure of this size would create. Therefore, granting of the variance would set a negative precedent for future development in the area. View of a structure of that size located within the required offset areas would likely have a negative impact on adjacent landowners. However, the variance from the 50% provision is justifiable as no work can be done to the residence located at W347 N6119 Road I without the granting of this variance. It would be unnecessarily burdensome to require the tear down of this structure as it was just remodeled in 2005. The partial approval of this request, as conditioned, would not be detrimental to the public interest or welfare and would be within the purpose and intent of the Ordinance.*

The motion was seconded by Mr. Schuett and carried 4-1. Ms. Bonniwell voted against the motion.

The Planning & Zoning Division staff's recommendation was for **denial** of the requested variances from the offset, floor area ratio, and remodeling a nonconforming structure in excess of 50% of its fair market value requirements of the Ordinance for the following reasons.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The zoning district only requires a minimum lot size of 14,000 sq. ft. (when sewer is available) and this property is 16,804 sq. ft. The property is conforming to lot size and therefore there is no justifiable reason why the floor area ratio requirement cannot be met. In addition, the required offset is 9.3 ft. and the owners have designed the house at 8.6 ft from the east lot line. Again, there is no justifiable reason why this requirement cannot be met. Finally, it would not be within the purpose and intent of the Ordinance to grant a variance to

construct an addition that is more than two times the size and over twice the fair market value of the existing structure given that the existing residence sits just 3.5 ft. from the west lot line. The purpose of the 50% provision is to reduce and eliminate the proliferation of nonconforming structures in situations where new structures could be built in compliance with the Ordinance. There is ample room on this property to build a completely conforming residence, and therefore the 50% variance is not justified. It has not been demonstrated, as required for a variance, that denial of the requested variances would result in an unnecessary hardship. A hardship has been defined by the Wisconsin Supreme Court as a situation where compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. Strict adherence to the district regulations does not prevent a reasonable use of the property. It is not necessary to have 3,815 sq. ft. of living and storage space (6,194 sq. ft. with the fully exposed basement) and a house located only 3.5 ft. from the lot line in order to have a reasonable use of any property. Case law has repeatedly held that petitioners are not entitled to the “highest and best use” of a property, but only reasonable use. The owner has the opportunity to make reasonable use of this property by constructing a new single family residence without the necessity of the granting of any variances. The owners could have approximately 3,300 sq. ft. of living and storage space (not including any basement area) on this property without a variance. There are no unique conditions existing on this property that prevent compliance with Ordinance. Variances should only be granted to accommodate physical limitations on a property that prevent a reasonable use of the property; not to accommodate the personal preferences or needs of the current property owner.

It is also necessary to consider the cumulative impacts of granting similar requests. With this in mind, allowing a structure as large as requested would be detrimental to the surrounding properties, the neighborhood, and to the natural resources in the area due to the increased footprint, bulk, impervious surface, and land disturbance a structure of this size would create. Therefore, granting of the variance would set a negative precedent for future development in the area. View of a structure of that size located 3.5 ft. and 8.6 ft. from a lot line would likely have a negative impact on adjacent landowners. This request does not meet any of the legal standards for the granting of a variance and therefore, the approval of this request would not be in conformance with the purpose and intent of the Ordinance.

**OTHER ITEMS REQUIRING BOARD ACTION:** None.

**ADJOURNMENT:**

Mr. Day

*I make a motion to adjourn this meeting at 10:10 p.m.*

The motion was seconded by Mr. Schuett and carried unanimously.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nancy M. Bonniwell". The signature is fluid and cursive, with a large loop at the end.

Nancy M. Bonniwell  
Secretary, Board of Adjustment